

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of Charles E. Privette)	
)	
Certificate # 044775)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 10, 2004. On November 7, 2003, the State Department of Education (Department) sent Ms. Charles E. Privette a notice of his right to a due process hearing regarding the possible suspension of his South Carolina educator certificate (certificate) by certified mail, return receipt requested, delivery restricted to addressee. Mr. Privette received the notice, as evidenced by a postal receipt bearing his signature. Mr. Privette requested a private hearing, which was held on January 21, 2004, before John Fantry, Jr., Esquire, a hearing officer appointed by the State Board. Mr. Privette appeared and presented documentary evidence and testified on his behalf. Pat Mitchell, Executive Director for Human Resources for the Greenville County School District (District), appeared and presented documentary evidence and testimony on behalf of the District. After considering the evidence presented, Mr. Fantry recommended that the State Board suspend Mr. Privette's certificate #044775 for a period of five months, from January 15, 2004, terminating May 15, 2004. After carefully considering the hearing officer's report, the State Board voted to suspend Mr. Privette's certificate for one day, September 2, 2003.

FINDINGS OF FACT

Mr. Privette holds a valid certificate and has over twelve years of teaching experience with the District. He was under contract with the District for the 2003-2004 school year, as a social studies teacher at Greenville High School. He planned to retire at the end of the school year. In May 2003, the principal, Ms. Stuart, informed Mr. Privette that he would also have to teach band and chorus. Mr. Privette immediately expressed his concern about teaching chorus to Ms. Stuart, citing the fact that he could not play the piano or sing. In June 2003, Mr. Privette informed a District personnel administrator, Dr. Ledbetter, about his concerns. He was told that if

Ms. Stuart wanted him to teach chorus he must do so. Mr. Privette testified that on August 29, 2003, Ms. Stuart belittled him in front of his band class and that as a result, many of the students were disrespectful to him at a football game later that day. On September 2, 2003, he resigned his position effectively immediately. Mr. Privette testified that he decided to retire early because he was unable to get the cooperation and support of Ms. Stuart. Ms. Stuart did not testify. On October 14, 2003, the District Board voted to file a complaint with the State Board to seek the suspension of his certificate for one year for breach of contract.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board must suspend the educator's contract if the District Board files a complaint and provides conclusive evidence that the educator breached the contract. The State Board finds that there is conclusive evidence that Mr. Privette breached his contract with the District; however, the circumstances surrounding the resignation support a minimum sanction against Mr. Privette. Therefore, the Board suspends Mr. Privette's certificate # 044775 for a period of one day, September 2, 2003, on the ground of unprofessional conduct due to breach of contract.

South Carolina State Board of Education

By: /S/Mary E. Jones
Dr. Mary E. Jones
Chair

Columbia, South Carolina
February 10, 2004